

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

BILLIE JO COSSEY

PLAINTIFF

v.

No: 3:19-cv-00069 KGB-PSH

CRAIGHEAD COUNTY JAIL, *et al.*

DEFENDANTS

PROPOSED FINDINGS AND RECOMMENDATION

INSTRUCTIONS

The following Recommendation has been sent to United States District Judge Kristine G. Baker. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of this Recommendation. By not objecting, you may waive the right to appeal questions of fact.

DISPOSITION

Plaintiff Billie Jo Cossey, a former inmate at the Craighead County Detention Facility, filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 on March 26, 2019 (Doc. No. 1). In an initial order filed the following day, the Court notified Cossey of her duty to promptly notify the Clerk of any change in her address (Doc. No. 2). The Court also notified Cossey that if any communication from the Court to her is not responded to within 30 days, the case may be dismissed without prejudice. *Id.* Subsequently, the Court received information indicating that Cossey was no longer in the Craighead County Detention Facility. Therefore, on May 3, 2019, the Court entered a text order directing Cossey to provide notice of her current mailing address by no later

than thirty days from the entry of that order (Doc. No. 12). She was warned that her failure to provide a current mailing address would cause the undersigned to recommend her complaint be dismissed. A printed version of the text order was sent to Cossey at her last known address, but could not be delivered because she was no longer at the address she provided (Doc. No. 15). Other mail sent to Cossey was also returned as undeliverable. *See* Doc. Nos. 14 & 16-17.

More than 30 days have passed, and Cossey has not complied or otherwise responded to the May 3 order. Cossey failed to notify the Clerk and the other parties to the proceedings of a change in her address as required by Local Rule 5.5(c)(2). Accordingly, the Court finds that this action should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2) and failure to respond to the Court's orders. *See Miller v. Benson*, 51 F.3d 166, 168 (8th Cir. 1995) (District courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and exercise of that power is reviewed for abuse of discretion).

IT IS THEREFORE RECOMMENDED THAT Cossey's complaint (Doc. No. 1) be DISMISSED WITHOUT PREJUDICE.

DATED this 21st day of June, 2019.



UNITED STATES MAGISTRATE JUDGE